

REMARKS

In paragraph 3 of the Action, it was requested to amend the abstract. In this respect, new abstract has been filed.

In paragraph 5 of the Action, claims 47 and 48 were rejected under 35 U.S.C. 112, first paragraph. In paragraphs 6-11 of the Action, 47, 48, 51-53, 58-65, and 67-77 were rejected by Kosek et al., Ye et al. and other cited references.

In paragraph 19 of the Action, it was suggested that if applicant defines that the gas is directly obtained from the fuel electrode, the rejection may be overcome. Also, the priority date of the present application is earlier than the publication date of Ye et al.

In view of the situation, claims 47 and 48 have been amended to obviate the rejections by 35 U.S.C. 112, first paragraph, and Kosek et al. Also, a verified translation of Japanese Patent Application No. 2004-342470 filed on November 26, 2004 has been filed.

In paragraphs 14-18 of the Action, claims 47, 48, 51-53 and 58-77 were provisionally rejected under the ground of nonstatutory obviousness-type double patenting of copending applications No. 10/594,711, No. 11/794,320, No. 11/988,034 and 11/794,357, and US Patent No. 7,476,456.

In view of the obviousness-type double patenting rejections, a terminal disclaimer with respect to the copending applications and the patent has been prepared and filed.

It is believed that the claims pending in the application are now patentable over the cited references.

Reconsideration and allowance are earnestly solicited.

A credit card authorization form in the amount of \$140.00 is attached herewith for the terminal disclaimer fee. If any further fee is required, please charge to Deposit Account No. 11-0219.

If any further amendment is required, please contact the undersigned agent.

Respectfully submitted,

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